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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,916	07/14/2003	Damien Kessler	SNY-N3783.01	7970

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MILLER PATENT SERVICES
2500 DOCKERY LANE
RALEIGH, NC 27606

EXAMINER
SIPPLE IV, EDWARD C

ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/618,916	KESSLER ET AL.	
	Examiner	Art Unit	
	EDWARD C. SIPPLE IV	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 December 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____is/ are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's arguments with respect to all independent claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 1-4**, **6**, **8-11** and **13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Klopfenstein (US Patent 7,024,676) in view of Wasilewski (US Patent 5,600,378).

For independent **Claim 1** Klopfenstein teaches:

a method of storing channel information in a digital television receiver (see Abstract), comprising:

tuning to a selected physical channel (Figure 3 Element 205 with Col. 6 Lines 50-53);

reading program specific information on the selected physical channel (Fig. 3 Elem. 210 with Col. 6 Lines 53-56);

determining whether the physical channel is PSIP compliant (Fig. 3 Elem. 215 with Col. 6 Lines 56-59);

storing an attribute in a table (Col. 5 Lines 3-7 and 26-29), said attribute

designating whether the physical channel is a PSIP compliant channel (Fig. 3 Elements 215 and 220, with Col. 6 Lines 56-60);

if the selected physical channel is a PSIP compliant channel (Col. 9 Lines 48-50):

storing a major channel corresponding to the selected physical channel (Col. 10 Lines 19-33, see also Col. 8 Lines 44-47).

Klopfenstein further teaches:

storing program specific information from a physical channel containing: network information, network identification information and linking data; which is used to enable tuning to a desired channel (Col. 4 Lines 38-49)

Klopfenstein does not expressly teach:

storing a TSID corresponding to the selected physical channel

Wasilewski teaches:

storing a network information table which specifies the correspondence between TSIDs and physical channels (Fig. 2 Elem. [NIT 36], with Col. 4 Lines 65-67 through Col. 5 Lines 1-3)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the storing of a TSID corresponding to a selected physical channel step taught by Wasilewski, within the channel information storing method taught by Klopfenstein. The motivation would have been to facilitate the tuning of a physical channel that corresponds to a virtual channel which referenced a particular TSID (see Wasilewski Col. 7 Lines 45-49).

For **Claim 2** as discussed in independent Claim 1, Klopfenstein further teaches:

the method of Claim 1 further comprising:

incrementing the physical channel (Fig. 3 Elem. 205 with Col. 6 Lines 50-53)

tuning to the incremented physical channel (Figure 3 Element 205 with Col. 6 Lines 50-53);

reading program specific information on the incremented physical channel (Fig. 3 Elem. 210 with Col. 6 Lines 53-56);

determining whether the incremented physical channel is PSIP compliant (Fig. 3 Elem. 215 with Col. 6 Lines 56-59);

storing an attribute in a table (Col. 5 Lines 3-7 and 26-29), said attribute designating whether the incremented physical channel is a PSIP compliant channel (Fig. 3 Elements 215 and 220, with Col. 6 Lines 56-60);

if the incremented physical channel is a PSIP compliant channel (Col. 9 Lines 48-50):

storing a TSID corresponding to the incremented physical channel (is taught by the combination of Klopfenstein in view of Wasilewski described in independent Claim 1)

storing a major channel corresponding to the incremented physical channel (Col. 10 Lines 19-33, see also Col. 8 Lines 44-47).

For **Claim 3** as discussed in Claim 2, Klopfenstein further teaches:

the method of Claim 2, further comprising after the incrementing, determining if the selected physical channel is a last physical channel is a last physical channel, and if so, then stopping (Fig. 3 Elem. 207, with Col. 7 Lines 10-14).

For **Claim 4** as discussed in independent Claim 1, Klopfenstein further teaches:

the method of Claim 1, wherein each storing act comprises storing the attribute in a lookup table reserved for storing the PSIP attribute for each channel (Fig. 3 Elements 215 and 220, with Col. 5 Lines 3-7 and 26-29, and Col. 6 Lines 56-60).

For **Claim 6** as discussed in independent Claim 1, Klopfenstein in view of Wasilewski further teaches:

the method of Claim 1, wherein each storing act comprises storing in a separate one of three lookup tables (

a first table for storing said PSIP indicator attribute: Klopfenstein Col. 5 Lines 3-7 and 26-29;

a second table storing a TSID to physical channel correspondence: Wasilewski Fig. 2 Elem. [NIT 36], with Col. 4 Lines 65-67 through Col. 5 Lines 1-3; and

a third table storing major to physical channel correspondence: Klopfenstein Col. 10 Lines 19-33, see also Col. 8 Lines 44-47).

For independent **Claim 8** Klopfenstein teaches:

a method of auto programming channel information in a digital television

receiver, comprising for each of a plurality of N physical channels (see Abstract and Fig. 3):

tuning to a selected physical channel (Figure 3 Element 205 with Col. 6 Lines 50-53);

reading program specific information on the selected physical channel (Fig. 3 Elem. 210 with Col. 6 Lines 53-56);

determining whether the physical channel is PSIP compliant (Fig. 3 Elem. 215 with Col. 6 Lines 56-59);

storing an attribute in a table (Col. 5 Lines 3-7 and 26-29), said attribute designating whether the physical channel is a PSIP compliant channel (Fig. 3 Elements 215 and 220, with Col. 6 Lines 56-60);

if the selected physical channel is a PSIP compliant channel (Col. 9 Lines 48-50):

storing a major channel corresponding to the selected physical channel (Col. 10 Lines 19-33, see also Col. 8 Lines 44-47).

Klopfenstein further teaches:

storing program specific information from a physical channel containing: network information, network identification information and linking data; which is used to enable tuning to a desired channel (Col. 4 Lines 38-49)

Klopfenstein does not expressly teach:

storing a TSID corresponding to the selected physical channel

Wasilewski teaches:

storing a network information table which specifies the correspondence between TSIDs and physical channels (Fig. 2 Elem. [NIT 36], with Col. 4 Lines 65-67 through Col. 5 Lines 1-3)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the storing of a TSID corresponding to a selected physical channel step taught by Wasilewski, within the channel information storing method taught by Klopfenstein. The motivation would have been to facilitate the tuning of a physical channel that corresponds to a virtual channel which referenced a particular TSID (see Wasilewski Col. 7 Lines 45-49).

For independent **Claim 9** Klopfenstein teaches:

a method of storing channel information in a digital television receiver, comprising: (see Abstract):

tuning to a selected physical channel (Figure 3 Element 205 with Col. 6 Lines 50-53);

reading program specific information on the selected physical channel (Fig. 3 Elem. 210 with Col. 6 Lines 53-56);

determining whether the physical channel is PSIP compliant (Fig. 3 Elem. 215 with Col. 6 Lines 56-59);

storing an attribute in a table (Col. 5 Lines 3-7 and 26-29), said attribute designating whether the physical channel is a PSIP compliant channel (Fig. 3 Elements 215 and 220, with Col. 6 Lines 56-60);

if the selected physical channel is a PSIP compliant channel (Col. 9 Lines

48-50):

storing a major channel corresponding to the selected physical channel (Col. 10 Lines 19-33, see also Col. 8 Lines 44-47).

incrementing the physical channel (Fig. 3 Elem. 205 with Col. 6 Lines 50-53)

tuning to the incremented physical channel (Figure 3 Element 205 with Col. 6 Lines 50-53);

reading program specific information on the incremented physical channel (Fig. 3 Elem. 210 with Col. 6 Lines 53-56);

determining whether the incremented physical channel is PSIP compliant (Fig. 3 Elem. 215 with Col. 6 Lines 56-59);

storing an attribute in a table (Col. 5 Lines 3-7 and 26-29), said attribute designating whether the incremented physical channel is a PSIP compliant channel (Fig. 3 Elements 215 and 220, with Col. 6 Lines 56-60);

if the incremented physical channel is a PSIP compliant channel (Col. 9 Lines 48-50):

storing a major channel corresponding to the incremented physical channel (Col. 10 Lines 19-33, see also Col. 8 Lines 44-47).

Klopfenstein further teaches:

storing program specific information from a physical channel containing: network information, network identification information and linking data; which is used to enable tuning to a desired channel (Col. 4 Lines 38-49)

Klopfenstein does not expressly teach:

storing a TSID corresponding to the selected physical channel, and

storing a TSID corresponding to the incremented physical channel

Wasilewski teaches:

storing a network information table which specifies the correspondence between TSIDs and physical channels (Fig. 2 Elem. [NIT 36], with Col. 4 Lines 65-67 through Col. 5 Lines 1-3)

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the storing of a TSID corresponding to a selected physical channel step, taught by Wasilewski, within the channel information storing method taught by Klopfenstein. The motivation would have been to facilitate the tuning of a physical channel that corresponds to a virtual channel which referenced a particular TSID (see Wasilewski Col. 7 Lines 45-49).

For **Claim 10** as discussed in independent Claim 9, Klopfenstein further teaches:

the method of Claim 9, further comprising after the incrementing,

determining if the selected physical channel is a last physical channel is a last physical channel, and if so, then stopping (Fig. 3 Elem. 207, with Col. 7 Lines 10-14).

For **Claim 11** as discussed in independent Claim 9, Klopfenstein further teaches:

the method of Claim 9, wherein each storing act comprises storing the attribute in a lookup table reserved for storing the PSIP attribute for each

channel (Fig. 3 Elements 215 and 220, with Col. 5 Lines 3-7 and 26-29, and Col. 6 Lines 56-60).

For **Claim 13** as discussed in independent Claim 9, Klopfenstein in view of Wasilewski further teaches:

the method of Claim 9, wherein each storing act comprises storing in a separate one of three lookup tables (

a first table for storing said PSIP indicator attribute: Klopfenstein Col. 5 Lines 3-7 and 26-29;

a second table storing a TSID to physical channel correspondence: Wasilewski Fig. 2 Elem. [NIT 36], with Col. 4 Lines 65-67 through Col. 5 Lines 1-3; and

a third table storing major to physical channel correspondence: Klopfenstein Col. 10 Lines 19-33, see also Col. 8 Lines 44-47).

3. **Claims 5**, **7**, **12** and **14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Klopfenstein (US Patent 7,024,676) in view of Wasilewski (US Patent 5,600,378) further in view of Morrison (US Patent 6,359,580).

For **Claim 5** as discussed in Claim 4, Klopfenstein further teaches:

storing the lookup table in memory (Col. 6 Lines 56-60)

Klopfenstein in view of Wasilewski does not expressly teach:

the method of Claim 4, wherein the lookup table is stored in a non-volatile memory device

Morrison teaches:

it may be desirable to store auto programming channel information within non-volatile memory (Col. 4 Lines 8-12, 36-41 and 61-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store the lookup table taught by Klopfenstein, within a non-volatile memory device as taught by Morrison. The motivation would have been to facilitate the persistence of the lookup table data without the need for a standby power source (see Morrison Col. 4 Lines 8-12).

For **Claim 7** as discussed in Claim 6, Klopfenstein in view of Wasilewski does not expressly teach:

the method of Claim 6, wherein the three lookup tables are stored in a non-volatile memory device

Morrison teaches:

it may be desirable to store auto programming channel information within non-volatile memory (Col. 4 Lines 8-12, 36-41 and 61-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store the lookup tables taught by Klopfenstein in view of Wasilewski, within a non-volatile memory device as taught by Morrison. The motivation would have been to facilitate the persistence of the lookup table data without the need for a standby power source (see Morrison Col. 4 Lines 8-12).

For **Claim 12** as discussed in Claim 11, Klopfenstein further teaches:

storing the lookup table in memory (Col. 6 Lines 56-60)

Klopfenstein in view of Wasilewski does not expressly teach:

the method of Claim 11, wherein the lookup table is stored in a non-volatile memory device

Morrison teaches:

it may be desirable to store auto programming channel information within non-volatile memory (Col. 4 Lines 8-12, 36-41 and 61-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store the lookup table taught by Klopfenstein, within a non-volatile memory device as taught by Morrison. The motivation would have been to facilitate the persistence of the lookup table data without the need for a standby power source (see Morrison Col. 4 Lines 8-12).

For **Claim 14** as discussed in Claim 13, Klopfenstein in view of Wasilewski does not expressly teach:

the method of Claim 13, wherein the three lookup tables are stored in a non-volatile memory device

Morrison teaches:

it may be desirable to store auto programming channel information within non-volatile memory (Col. 4 Lines 8-12, 36-41 and 61-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to store the lookup tables taught by Klopfenstein in view of Wasilewski, within a non-volatile memory device as taught by Morrison. The motivation

would have been to facilitate the persistence of the lookup table data without the need for a standby power source (see Morrison Col. 4 Lines 8-12).

Conclusion

4. The following is prior art made of record and not relied upon, but considered to be pertinent to applicant's disclosure:

a. US Patent 6,137,539 "Digital television status display"

b. US Patent 6,313,886 "Automatic PSIP detection system and method",

c. US Patent 6,473,129 "Method for parsing event information table", and

d. US Patent 6,775,843 "Method and apparatus for digital TV channel mapping"

e. US Patent 6,785,903 "Digital television translator with PSIP update"

f. US Patent 6,993,782 "Program guide information and processor for providing program and channel substitution".

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWARD C. SIPPLE IV whose telephone number is (571) 270-3414. The examiner can normally be reached on M-F 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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02/29/2008

ANDREW Y. KOENIG
PRIMARY PATENT EXAMINER
SPE - AU 2623